

REMARKS

Claim 14 has been canceled. Applicants respectfully reserve the right to file a continuation application from the above-identified application including claim 14. Claims 15 to 17, 22 and 30 to 33 have been amended. No new matter has been added. Claims 15 to 33 are now pending in the above-identified application. The Abstract of the Specification has been amended. No new matter has been added.

Applicants request reconsideration of the present application in view of this response.

Applicants thank the Examiner for indicating that claims 15, 17 to 21, 23, and 30 to 33, would be allowable if rewritten in independent form. While Applicants believe that all claims are allowable, claims 15, 17 to 21, 23, and 30 to 33 have been rewritten in independent form, in accordance with the Examiner's recommendation. No new matter has been added.

Claims 14, 16, 22 and 24 to 29, were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,978,649 to Kahn (the "Kahn reference").

Claim 14 has been canceled. Claims 16 and 22 have been amended to depend from an allowable claim. Accordingly, any rejection of claims 14, 16 and 22, under 35 U.S.C. § 102(b) in view of the Kahn reference is now moot.

The Kahn reference purportedly concerns a method and apparatus for dynamic conditional channel authorization in a broadcast system. Each receiver unit is associated with an authorization information identifying subsets of the communication signal and is authorized to process. Abstract, lines 1-5. The method for controlling access to the communication signal includes a step of receiving a conditional instruction, the conditional instruction specifying a modification of the authorization information conditioned upon whether the receiver unit belongs to a receiver unit category. Abstract, lines 5-10. The method further includes the step of executing the conditional instruction to modify the authorization information conditioned upon whether the receiver unit belongs to the receiver unit category. Abstract, lines 10-13.

Claim 24 is directed to a device for decoding pay-TV programs, including the features of:

a control and evaluation electronics;
style="padding-left: 40px;">a communication apparatus for communicating with a first mobile data carrier
via an interface; and
style="padding-left: 40px;">*a memory for use as a list* so as to buffer data transmitted from a transmitter to the device via a transmission medium using the control and evaluation electronics, *at*

least a first portion of the buffered data being routed immediately or at a later time to the first mobile data carrier.

In contrast, the Kahn reference refers to a reception apparatus in a broadcast system having a communication signal transmitted to a plurality of receiver units wherein each receiver unit has authorization information identifying subsets of the communication signal the receiver unit is authorized to process. Col. 2, lines 51-56. The Kahn reference further refers to the reception apparatus as having a receiver that receives a conditional instruction, the conditional instruction specifying a modification of the authorization information conditioned upon whether the receiver unit belongs to a receiver unit category. Col. 2, lines 56-61. The Kahn reference further states that the reception apparatus also has a mechanism for executing the conditional instruction to modify the authorization information conditioned upon whether the receiver unit belongs to the receiver unit category. Col. 2, lines 61-65.

The Kahn reference does not identically describe (as it must for anticipation) the features of a control and evaluation electronics; a communication apparatus for communicating with a first mobile data carrier via an interface; and a memory for use as a list so as to buffer data transmitted from a transmitter to the device via a transmission medium using the control and evaluation electronics, at least a first portion of the buffered data being routed immediately or at a later time to the first mobile data carrier. Accordingly, Applicants respectfully submit that claim 24 is allowable over the Kahn reference; and, withdrawal of the rejection of claim 24 under 35 U.S.C. § 102(b) is respectfully requested.

Since claims 25 to 29 depend from claim 24, claims 25 to 29 are allowable over the Kahn reference for at least the same reasons as claim 24. Withdrawal of the rejection of claims 25 to 29 under 35 U.S.C. § 102(b) is respectfully requested.

In summary, it is respectfully submitted that all of claims 15 to 33 of the above-identified application are allowable for the foregoing reasons.

CONCLUSION

In view of all of the above, it is believed that the objection to the Specification (Abstract) and rejection of claims 16, 22 and 24 to 29, under 35 U.S.C. § 102 have been obviated (note, claim 14 was canceled). Accordingly, it is respectfully submitted that all claims 15 to 33 are allowable. It is therefore respectfully requested that the rejections be

reconsidered and withdrawn, and that the present application issue as early as possible.

If it would further allowance of the present application, the Examiner is invited to contact the undersigned at the contact information given below.

Respectfully submitted,

By: Richard L. Mayer
Reg. No. 47084

Dated: October 25, 2003

By: Richard L. Mayer
Richard L. Mayer (Reg. No. 22,490)

CUSTOMER NO. 26646

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200